



COLORADO RIVER
TASK FORCE
Steve Glazer, Chair

11/19/02

Re: 2002 AOP Supplement

Madam Secretary,

We are requesting you to not sign the AOP Supplemental Draft in its present form.

It seems clear that the request for a supplemental delivery is a continuation of the less-than-serious import that some water users in California have accorded to the pending 4.4 Plan. Reclamation apparently notified them by letter as early as September 11, 2002, after preliminary contacts by other means, that they were likely to exceed their yearly allocation. Whereas the users in Arizona were able to compensate for increased ag deliveries without exceeding Arizona's allocation, California has, once again, exhibited a callous disregard for other users in the basin, all of whom have been struggling through a period of severe drought.

Although we would not go so far as someone who characterized the overrun as being done with "malice of forethought", the overrun was neither inadvertent nor accidental. Whether the intention was simply to continue practicing as usual in spite of the drought or was to exert power within the basin, we cannot say. However, we are seriously concerned.

We contend that you have no obligation to deliver an overrun in violation of the 2002 AOP and may be exceeding your authority in doing so. Certainly, those requesting the overrun should be subject to sanctions. They have used up their resources and are now requesting a gift. They are out of water, plain and simple. One course of action, which we favor, is to refuse the request. Alternatively, if the overrun is allowed, we urge you to impose a fine payable in acre feet only. The AOP Supplemental Draft already requires payback, which is a tacit acknowledgement that the situation could have and should have been avoided. We think that payback should entail interest – that is that payback should be equal to the overrun plus 10% – and that payback should be completed in 2003. As ag deliveries in California are 3.85 maf, payback within one year would require less than 5% reduction in use. If that is onerous, we doubt that signing of the QSA, should that happen, will be executed in good faith.

We have several other concerns. If you allow this overrun, how will you be able to enforce the QSA, IA, or ISC? How did the Bureau allow this situation to arise without taking immediate action in August? Why was this situation not mentioned at the AOP meeting in September?

Additionally, why were the environmental groups, who have been faithfully participating in the AOP meetings, kept in the dark until yesterday? Needless to say, we are very concerned about this development and are reviewing our options.

Sincerely,